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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,083	04/04/2001	Bruce Royer	57111-5094	3868

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JEFFER, MANGELS, BUTLER & MARMARO, LLP  
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LOS ANGELES, CA 90067

EXAMINER

MCCLELLAN, JAMES S

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/826,083

Applicant(s)

ROYER ET AL.

Examiner

James S McClellan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract ideas, laws of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the “progress of science and the useful arts” (i.e., the physical sciences as opposed to social sciences) and therefore are found to be non-statutory subject matter. For a process, the recited process must somehow apply, involve, use, or advance the technological arts.

In this case, claim 18 fails to recite the use of technology to perform the process. Claim 18 as originally filed can be performed manually. The Examiner recommends amending 18 to include language similar to claim 1, that includes the recitation of a network or computer.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-48 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. US 2002/0099613 A1 (Swart et al.).

Regarding **claim 1**, Swart et al. discloses a method of rental equipment management (see page 5, paragraph #0057, “rental cars”) for a plurality of rental locations on a network (see page 5, paragraph #57, “single business might offer many geographically disparate service providers to customers”), the network having at least one computer server (see Figure 1, transaction server 23; see page 5, paragraph #0051) for communicating with users (clients 11), said method comprising the steps of displaying a reservation summary having reservation information pertaining to the type of equipment reserved and the date of the reservation (it is inherent that reservation information will be displayed on PC’s 13 and 14); and tracking the equipment inventory information for each rental location (see page 5, paragraph #0056); **[claim 2]** customizing the scope of the reservation summary to display information pertaining to one of a particular rental location, city, route, and dealer (see page 6, paragraph #0059); **[claim 3]** customizing the scope of the reservation summary to display information pertaining a particular type of reservation (see page 6, paragraph #0067); **[claim 4]** the type of reservation is selected from one of confirmed, tentative and canceled (see page 14, paragraph #0174); **[claim 5]**

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customizing the scope of the reservation summary to display information pertaining to a particular route selection (it is inherent that with vehicle rental, the route selection is a characteristic); **[claim 6]** the route selection is selected from one of one-way rental and in-town rental (inherent feature of rental car industry); **[claim 7]** updating information (see page 8, paragraph #0081); **[claim 8]** alerting the user upon the detection of an update failure (see alert features of paragraphs #0070, 0072, 0108, and 175); **[claim 9]** equipment inventory comprises types of equipment available (see page 6, paragraph #0062); **[claim 10]** searching (see paragraph #0013) the equipment inventory; **[claim 11]** dispatching equipment (inherent feature of rental car industry); **[claim 12]** receiving location updates inventory (inherent feature of rental car industry); **[claim 13]** displaying customer information (see page 6, paragraph #0067); **[claim 14]** displaying payment information (see paragraph #0090, "payment history"); **[claim 15]** displaying notes that reflect the history of transacting with a customer (see paragraph #0090, "payment history"); **[claim 16]** verifying the compatibility of a requested towing combination, wherein the information pertaining to the towing vehicle and information pertaining to the towed vehicle are evaluated, and a determination is made as to the safety of the towing combination (inherent feature of vehicle rental that involve towing); **[claim 17]** generating a script for confirmation of reservation, wherein the script comprises information pertaining to a particular reservation (see page 6, paragraph #0067).

Regarding **claim 18**, Swart et al. discloses a method of rental equipment management for a plurality of rental locations as described in detail above for similar independent claim 1.

**Claims 19-34** correspond to similar claims 2-18 that have been analyzed above.

Regarding **claim 35**, Swart et al. discloses an equipment management system for tracking reservation information and equipment inventory information for a plurality of locations as described in detail above for similar independent claim 1. **Claims 36-48** are similar to claims 2-18 and will not be further detailed.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Kerr et al. is cited of interest for disclosing an inventory control process for reservation systems.

Coll et al. is cited of interest for disclosing a system for inventory management.

Forrest et al. is cited of interest for disclosing a relocation tracking system.

Frank et al. is cited of interest for disclosing a system for recommending vehicle rental type based on the desired load.

Whyel is cited of interest for disclosing a method and system for appointing/reservation scheduling.

Nardulli et al. is cited of interest for disclosing a system for processing reservations.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

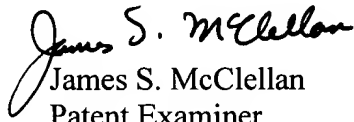
Any response to this action should be mailed to:

Commissioner of Patent and Trademarks  
Washington D.C. 20231

or faxed to:

(703) 305-7687 (Official communications) or  
(703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA, 7<sup>th</sup> floor receptionist.

  
James S. McClellan  
Patent Examiner  
A.U. 3627

jsm  
September 4, 2003